

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 23 2006

Phil Lombardi, Clerk
U.S. DISTRICT COURT

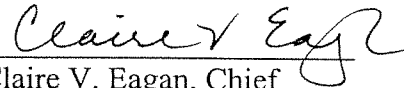
IN RE: Court Reporter Management Plan)
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GENERAL ORDER

For the effective utilization of court reporters in the United States District Court for the Northern District of Oklahoma, the Court hereby adopts the attached Court Reporter Management Plan.

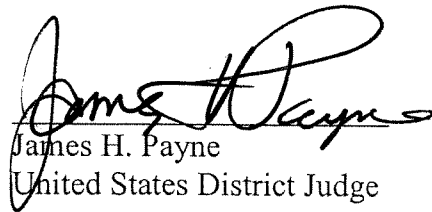
It is so ordered this 23rd day of February 2006.



Claire V. Eagan, Chief
United States District Judge



Terence C. Kern
United States District Judge



James H. Payne
United States District Judge

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

COURT REPORTER MANAGEMENT PLAN

Adoption of Plan by Court

This Plan for the effective utilization of court reporters in the United States District Court for the Northern District of Oklahoma has been adopted by General Order filed on February 23rd, 2006, subject to final approval by the Tenth Circuit Judicial Council.

Applicability of Plan

This plan is applicable to all reporters employed by the court, whether official or contract substitute reporters. The Court currently utilizes court reporters exclusively and does not employ court recorders. The Court desires through this Plan to achieve effective control and management of the official court reporters, and to ensure that they fulfill their statutory duties as prescribed in 28 U.S.C. §753, and adhere to the policy of the Judicial Conference as set forth in the "Court Reporters Manual, "Guide to Judiciary Policies and Procedures."

Appointment and Retention of Court Reporters

The Northern District of Oklahoma employs one official staff reporter per on-board active district judge. In addition, the district will employ additional reporters when staffing credit and resources based upon the total number of in-court hours reported by senior district judges and visiting senior district judges allow. The Northern District of Oklahoma does not employ court recorder operators.

The Clerk of Court shall advertise for, interview, and appoint court reporters in consultation with the court en banc when required. Preference may be given to applicants certified as realtime reporters. Court Reporters shall be appointed in accordance with the provisions of the Court Reporter Act, 28 U.S.C. §753, and the procedures of the Administrative Office of the United States Courts. No Reporter shall be appointed, nor serve as a contractual or replacement Court Reporter, unless that Reporter is fully qualified under the standards adopted by the Judicial Conference of the United States Courts.

All initial appointments shall be on a probationary basis for a period of one year.

Court Reporters are employed by the Court en banc and shall retain their employment at the will of the Court en banc, regardless of the death, resignation or retirement of an individual Judge. If the volume of work does not justify retention of the full complement of existing Court Reporters, a reduction shall be accomplished through relocation, attrition or in the last instance by termination upon adequate notice. Selection for retention shall be based upon merit.

Court reporters who do not perform in a competent and satisfactory manner shall be subject to dismissal.

Supervision of Court Reporters

The Clerk of this Court or his designee is hereby designated and fully empowered to perform all supervisory, administrative and oversight functions hereinafter set forth. In addition, the Clerk shall periodically advise the Court regarding the effectiveness and equity of work distribution of court reporting services provided pursuant to this Plan. The supervision duties and responsibilities shall include but are not limited to the following:

1. The hiring and termination of official staff reporters, in consultation with the court, en banc.
2. Assignment and reassignment of reporters for the purpose of fairly and equitably distributing the workload and assuring the lowest overall cost to the government.
3. Periodic review of transcripts to assure full compliance with format requirements.
4. Review of transcript billings to assure that authorized rates are charged.
5. Determine compliance with the provisions of 28 U.S.C. §753 concerning the recording, certifying and filing of tapes of all criminal arraignments, pleas and imposition of sentence.
6. Assure the timely filing of all reports required.
7. Act as liaison to the Court of Appeals as to matters pertinent to transcript production.
8. At the time of a court reporter separation, ensure all notes and tape recordings have been filed in accordance with Title 28 U.S.C. §753, the court reporter understands his/her responsibility for preparing any transcript currently ordered, or might be ordered after separation.

Assignment of Reporters

Court Reporters shall be assigned to active Judges as a matter of convenience. However, when necessary a Court Reporter may be temporarily reassigned by the Clerk to another Judicial Officer. The Clerk shall endeavor to equalize the burdens of reporting duties set forth above.

Transcript production by court reporters is considered outside work for which additional remuneration is received therefore it need not be considered in the assignment of individual reporters.

Place of Work and Hours of Employment

All Court Reporters shall maintain regular hours of work between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, excepting legal holidays, unless otherwise excused. All Court Reporters who are not in the Courthouse are expected to be available by telephone so that they may be summoned to the Courthouse within thirty (30) minutes in the event of an emergency. Official court reporters for the Northern District of Oklahoma are not on a regular tour of duty and are not covered under the Leave Act.

Official Court Reporters shall maintain an office within the Courthouse so as to allow litigants reasonable and prompt access to make arrangements for ordering required transcripts.

Substitute Reporting Services

Every reasonable effort will be made through scheduling to reduce the need for temporary or contractual court reporting services. To the extent that the complement of regular Court Reporters cannot fulfill the reporting needs of this District, the Court will employ contract Court Reporters to satisfy the Court's additional requirements. As a general rule contract reporters may be used only when all official court reporters are occupied in court proceedings pursuant to the policies of the Judicial Conference.

Any necessary replacement reporter services required, including those necessitated by the demands of expedited, daily or hourly copy, shall be provided at the assigned Court Reporter's expense. Such expense shall not be passed on to litigants ordering transcripts, except to the extent authorized by the higher fees adopted by the Judicial Conference of the United States.

To the extent that the work of the Court permits, two or more official Court Reporters may cooperate and share the work necessitated by preparation of daily or hourly copy.

Free-lance Reporting

Free-lance reporting (i.e. reporting not required in the discharge of official duties) shall only be undertaken with the specific prior approval of the Clerk. In conducting such reporting, when authorized, neither Court facilities nor Court equipment may be used.

Transcripts

Requests for transcripts for which fees are paid must be arranged through the court reporter who reported the proceeding. Upon receiving a written request for a transcript the court reporter shall provide an estimated cost. On privately paid transcript orders a deposit must be received (or waived) by the court reporter before transcript preparation will commence.

Transcripts must be produced in the format required by the Judicial Conference of the United States.

Pursuant to the provisions of 28 U.S.C. §753, court reporters must transcribe and certify all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording and such recording has been certified and maintained by the Clerk's Office.

Production of hourly or daily transcripts will not be subsidized by the Court. If extra court reporters are required to produce hourly or daily transcripts, the cost of such reporters shall be paid by the official court reporter. This provision does not prohibit other official reporters from assisting to report.

Fees for Transcripts

No court reporter employed by this district may charge fees for transcripts of official proceedings which exceed those recommended by the Judicial Conference of the United States. The Clerk of Court will post a schedule of the prescribed fees.

Each court reporter shall furnish to the Clerk or his designee a copy of each billing for official transcripts. Each invoice is to contain all of the information required by the Administrative Office and a certification that the fees charged and page format used conform to the regulations of the Judicial Conference of the United States. The Clerk shall, in each transcript, review the transcripts filed and the bill submitted to ensure the correctness of the charges assessed.

For transcripts in non-appellate cases, the full price may be charged only if the transcript is delivered within the required time frame.

The Clerk shall also post a notice listing the sanctions to be imposed for late delivery of transcripts ordered for appeals.

Time for Delivery of Transcripts

All transcripts ordered for purposes of appeal are to be delivered within the time frame specified by the Court of Appeals. This time limitation may be extended only by the United States Court of Appeals. A showing of extreme or unusual circumstances will be required by the Court of Appeals to obtain such an extension.

The charge assessable to the ordering party for any transcript which is not delivered within the required time frame shall be reduced at a rate of reduction set by the Court of Appeals. In the event such sanctions are imposed, the Court Reporter shall deliver to the Clerk a copy of the billing rendered to the ordering party, showing the total original net bill to be paid by the ordering party. A copy of each such bill shall be forwarded to the Court of Appeals after receipt and review by the Clerk.

Criminal Justice Act (CJA) Transcripts

All transcripts produced under the terms of the Criminal Justice Act shall be billed on form CJA 24.

In compliance with Judicial Conference policy, the routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited.

In multi-defendant cases involving CJA defendants, no more than one (1) transcript should be purchased from the reporter on behalf of CJA defendants. One of the appointed counsel should arrange for the duplication, at commercially competitive rates, of enough copies of the transcript for each of the CJA defendants for whom a transcript has been approved. The cost of such duplication will be charged to the CJA appropriation.

Realtime Reporting and Transcripts

Realtime reporting technologies allow the record to be electronically transcribed in the courtroom using software that translates the shorthand instantaneously and displays it on a monitor.

Court reporters may not sell a realtime unedited transcript to anyone who is not a party to the case without the prior approval of the presiding judge. Each court reporter shall request the ordering party sign a disclaimer acknowledging receipt of the realtime unedited transcript and stating the party is aware that the realtime unedited transcript is not an official record of the court proceeding.

Transcript Backlogs

The Clerk of Court is authorized to take necessary steps to reduce or eliminate transcript backlogs or production delays. Such steps may include, but are not limited to reassigning or rotating official court reporters or requiring the official reporter(s) who is backlogged to hire a substitute at their own expense.

Court Reporter Records

All Court Reporters' notes shall be prepared in "note-readable" form. They shall be certified, marked, filed and maintained within the Courthouse so as to be accessible by another Court Reporter in the event of an emergency. All court reporters are required to maintain backup recordings of all proceedings they report. The backup recordings must be turned over to the clerk at the same time as the notes.

All notes, tapes and other supporting materials must be stored in the following manner:

1. All notes shall be filed chronologically in FRC boxes.
2. For future retrieval purposes, backup tapes and computer aided transcript diskettes which support notes may be filed with the notes or separately if there is sufficient cross referencing. Backup tapes used to fulfill the requirements of 28 U.S.C. §753 concerning arraignments, pleas and sentences must be readily identifiable so that they may be removed and stored separately if the contents of the box are to be disposed of prior to the twenty (20) year disposition schedule for recordings of such criminal proceedings.
3. The outside of the box should be marked with a label indicating the court reporter's full name, calendar year, the period of time covered by the contents of the box and the date the contents may be destroyed.
4. Each packet of notes shall include the case number, case caption, presiding judge, date of proceedings, type of proceeding and court reporter's full name or reference to a document which contains the information. One certification for the contents of the entire box is acceptable. Backup tapes must be identified so they are easily retrievable for transcript purposes.

In order to permit the routine audit and inspection of records, official staff reporters must

maintain accurate, legible, and up-to-date records of their expenses, attendance in court, transcript orders, and invoices. Such records shall be maintained on forms prescribed by the Judicial Conference of the United States and shall include, but are not limited to, the following:

1. AO-37 Expense Ledger
2. AO-38 Attendance Ledger
3. AO-39 Transcript Order/Collections Ledger
4. AO-44 Invoice

Reports to be Filed

Each official Court Reporter shall timely file with the Administrative Office the reports set forth below. In addition, a copy of each of these reports shall be filed with the Clerk, for the use of the Court, not later than thirty (30) days after the report is due to the Administrative Office. The Clerk shall maintain these copies in strict confidence, except as specifically directed by the Court acting en banc.

1. The Report of Attendance and Transcripts of United States Court Reporters (Form AO 40A) shall be submitted quarterly during each calendar year to the Fiscal Management Division of the Administrative Office of the United States Courts, Washington, D.C. 20544. It shall be mailed so as to arrive within twenty (20) days after the end of each quarter.
2. The Statement of Earnings of United States Court Reporters (Form AO 40B) shall be submitted annually to the Financial Management Division of the Administrative Office of the United States Courts, Washington, D.C. 20544. It shall be mailed so as to arrive by April 15th of each calendar year.

Rates of Court Reporters

Rates to be charged by Court Reporters of this Court shall be as fixed from time to time by the Judicial Conference. Such rates shall be posted by the Court Clerk's office.

Sound Recording

Where a Court Reporter is not readily available, electronic sound recording devices are hereby authorized. All proceedings before a Magistrate Judge will, whenever possible, be recorded through use of electronic sound recording devices. Magistrate Judges may request a court reporter for civil jury trials, or where a court reporter is required by specific rule or statute, or by the particular circumstances of an individual case.

Digital Audio Recording Systems

The Magistrate Courtrooms currently use digital audio recording. The Clerk's Office stores all digital audio recordings on a network server. Network access to digital recordings are limited to authorized personnel.

Transcripts of Sound/Digital Recorded Proceedings

Transcripts of electronic sound or digital recorded proceedings before a Magistrate Judge, and duplicate recordings of those proceedings, may be obtained through the Magistrate Judge's office, upon prepayment of transcription and/or recording costs.

Sound/Digital Recording Records

The Clerk is responsible for storing all sound/digital recording records. Sound recording tapes are kept in trays in date order. Log Notes are kept in expandable folders divided by month.

With digital recording both the log notes and the digital recording are stored on the network.